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EXAMINER

KOPPIKAR, VIVEK D

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3686

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,051	Applicant(s) BOCIONEK ET AL.	
	Examiner VIVEK D. KOPPIKAR	Art Unit 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. Claims 1-4 and 6-27 have been examined in this application. This communication is a Final Office Action in response to the "Amendment" and "Remarks" received on March 6, 2009.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 26-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed towards a method but they do not recite a device which is used for carrying out the method. The Office recommends amending the claims to so that these claims recite a device which is used in carrying out the method. The Office reminds applicants, however, that any amendment(s) to the claims should have support in the specification as it was originally filed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 9-17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2004/0167835 to Yaur in view of US Patent Application Number 2003/0195771 to Fitzgerald.

(A) As per claim 1, Yaur teaches a financial management system enabling an individual user to access and maintain healthcare records concerning encounters of an individual with a healthcare provider organization, said encounters comprising interactions of said individual with said healthcare provider organization having a financial consequence (Yaur: Abstract), comprising:

an acquisition processor conditioned for receiving, via electronic communication from a healthcare provider organization, information related to at least one healthcare encounter of an individual user and including data identifying a healthcare service of said at least one healthcare encounter (Yaur: Figure 1 and Section [0017]);

a storage processor conditioned for storing said received healthcare encounter information (Yaur: Sections [0015]-[0016]);

a data processor conditioned for retrieving and processing received healthcare encounter information to provide data representing at least one record indicating a history of encounters of said individual user with said healthcare provider organization (Yaur: Figure 1 and Sections [0015]-[0016] and [0019]); and

an output processor for processing said data representing said at least one record for output in response to user command (Yaur: Figure 1 and Section [0019]).

Yaur does not teach the following feature which is taught by Fitzgerald (Section [0027]):

at least one of, (a) automatically initiating payment for said healthcare service of said at least one healthcare encounter indicated by the encounter history information in response to predetermined payment instruction entered by a user, and (b) terminating an automatically initiated payment for said healthcare service of said at least one healthcare encounter in response to user command.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Yaur with these aforementioned teachings from Fitzgerald with the motivation of providing a convenient and efficient means of paying a healthcare provider.

(B) As per claim 2, Yaur teaches that

said data processor processes said received healthcare encounter information to provide data representing at least one of, (a) a record collating encounter information for encounters subject to similar taxation treatment, (b) a record collating encounter information for encounters subject reimbursement under a particular reimbursement plan, and (c) a record

collating encounter information for encounters to be paid for by said individual user (Yaur: Section [0018]).

(C) As per claim 3, Yaur teaches that the record collating encounter information for encounters subject to common taxation treatment collates encounter information by type of service provided to said individual user during an encounter, said type of service comprising at least one of, (a) a medical service, (b) a dental service, (c) an education service and (d) a dependent care related service, and (e) a flexible spending account related service (Yaur: Section [0017]).

(D) As per claim 4, in Yaur a display generator for initiating generation of data representing a display image presenting said encounter history information, and wherein said data processor prompts said individual user to initiate payment related to an encounter indicated by said encounter history information (Yaur: Figure 4 and Section [0021]) and

said history of encounters identifies individual services of individual encounters of said individual user with said health provider organization (Yaur: Figures 2 and 4 and Section [0020]).

(F) As per claim 6, in Yaur the data processor prompts said individual user to initiate payment related to an encounter indicated by said encounter history information by at least one of, (a) electronic funds transfer, (b) credit card, and (b) a manual payment method (Yaur: Section [0021]).

(G) As per claim 7, Yaur teaches a communication processor for establishing communication with an information system of said healthcare provider organization for acquiring said information related to said at least one healthcare encounter of said individual user (Yaur: Section [0017]).

(H) As per claim 9, Yaur teaches including said data processor processes said received healthcare encounter information by automatically identifying a type of service identified in said received healthcare encounter information by parsing said received healthcare encounter information to identify encounter identification codes (Yaur: Figure 4 and Section [0018]).

(I) As per claim 10, Yaur teaches said data processor uses said identified encounter identification codes to identify at least one of, (a) a particular service and (b) a particular procedure associated with an encounter, and said data processor maps said identified identification code to a different code and uses said different code in processing received healthcare encounter information.

(J) As per claim 11, in Yaur .the output processor for processing said data representing said at least one record for output in at least one form selected from, (a) electronic form, (b) a printed report form, (c) a file suitable for communication via the Internet, and (d) as data representing a display image for presentation to a user (Yaur: Section [0019]).

(K) As per claim 12, in Yaur the storage processor monitors an update of said stored received healthcare encounter information by maintaining at least one of, (a) a date and (b) a time, of an update to said stored received healthcare encounter information (Yaur: Figure 4).

(L) As per claim 13, in Yaur the received healthcare encounter information comprises at least one of (a) an identification of a service provided during an encounter, (b) an identification of a type of patient visit comprising an encounter, (c) a date of an encounter, (d) at least a portion of financial cost of an encounter due to be paid by said individual user, (e) a financial cost of an encounter, (f) an identification of an insurance company responsible for at least a portion of a financial cost of an encounter, (g) identification of a payment made by a user or insurance company towards the cost of an encounter and (h) an estimated reimbursement amount towards a cost of an encounter (Figure 4 and Section [0018]).

(M) As per claim 14, Yaur teaches that an acquisition processor receives family information comprising information concerning at least one healthcare encounter of a person related to said individual user, said data processor processes said received family information to provide data representing at least one record indicating a history of encounters of said related person.

(N) As per claim 15, Yaur teaches that an acquisition processor receives multi-organization information identifying a plurality of encounters of said individual user with multiple different organizations, said data processor processes said received multi-organization information to provide data representing at least one record indicating a history of encounters of said individual user with said multiple different organizations (Yaur: Sections [0017] and [0020]).

(O) As per claim 16, Yaur teaches that an acquisition processor receives multi-organization information identifying a plurality of encounters of said individual user with multiple different organizations, said data processor processes said received multi-organization information to provide data representing at least one of, (a) a record identifying encounters of said individual user with multiple different organizations and said identified encounters subject to common taxation treatment, (b) a record identifying encounters of said individual user with multiple different organizations subject reimbursement under a particular reimbursement plan, and (c) a record identifying encounters of said individual user with multiple different organizations to be paid for by said individual user (Yaur: Sections [0019] and [0020]).

(P) As per claim 17, Yaur teaches that the data processor processes said received healthcare encounter information to initiate generation of a message to said individual user, said message comprising at least one of, (a) an alert concerning healthcare of said individual user, and (b) a reminder concerning payment to be made concerning an encounter (Yaur: Figure 4 and Section [0021]).

(Q) As per claim 26, Yaur teaches a method implemented by a data processing device conditioned for enabling an individual user to access and maintain healthcare records concerning encounters of an individual with a healthcare provider organization, said encounters comprising interactions of said individual with said healthcare provider organization having a financial consequence (Yaur: Abstract), comprising the activities of:

receiving, via electronic communication from a healthcare provider organization, information related to at least one healthcare encounter of an individual user, and including data identifying a healthcare service of said at least one healthcare encounter (Yaur: Figures 1, 2 and 4 and Sections [0015]-[0017]);

storing said received healthcare encounter information (Yaur: Figure 1 and Section [0015]);

retrieving and processing received healthcare encounter information to provide data representing at least one record indicating a history of encounters of said individual user with said healthcare provider organization (Yaur: Figure 1 and Section [0019]); and

processing said data representing said at least one record for output in response to user command (Yaur: Figure 1 and Section [0019]).

Yaur does not teach the following feature which is taught by Fitzgerald(Section [0027]):

at least one of, (a) automatically initiating payment for said healthcare service of said at least one healthcare encounter indicated by the encounter history information in response to predetermined payment instruction entered by a user, and (b) terminating an automatically initiated payment for said healthcare service of said at least one healthcare encounter in response to user command.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Yaur with these aforementioned teachings from Fitzgerald

with the motivation of providing a convenient and efficient means of paying a healthcare provider.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2004/0167835 to Yaur in view of US Patent Application Number 2003/0195771 to Fitzgerald, as applied to Claim 7, above, and further in view of US Patent Number 6,208,973 to Boyer.

(A) As per claim 8, Yaur teaches that the communication processor establishes communication with said information system of said health care provider organization for acquiring said information related to said at least one healthcare encounter of said individual user in response to at least one of, (a) a command of said individual user, (b) predetermined computerized instruction to establish repetitive intermittent communication (Yaur: Section [0020])

Yaur does not teach the following features which are taught by Boyer (Figures 8A-8C and Col. 15, Ln. 19-34):

wherein the communication processor provides, to said information system, identification information of said individual user together with at least one of, (i) a password and (ii) information identifying said authorization of said individual user to access said information system.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the teachings of Yaur with this aforementioned from Boyer with the motivation of having a means of enhancing security to the system.

7. Claims 18-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2004/0167835 to Yaur in view of US Patent Application Number 2003/0195771 to Fitzgerald, as applied to Claim 1, above, and in further view of US Patent Number 6,208,973 to Boyer.

(A) As per claim 18, Yaur teaches a system for use by a healthcare provider organization supporting individual user access to healthcare records concerning encounters of an individual with a healthcare provider organization, said encounters comprising interactions of said individual with said health provider organization having a financial consequence (Yaur: Abstract), comprising:

a data processor for, retrieving said healthcare encounter information of said identified user from storage and including data identifying a healthcare service of said healthcare encounter (Yaur: Figures 1, 2 and 4 and Sections [0015]-[0017])and

formatting said retrieved healthcare encounter information and data identifying a healthcare service of said healthcare encounter of said user for communication to a user communication address (Yaur: Section [0021]); and

a communication processor for communicating said formatted healthcare encounter information to said user communication address (Yaur: Section [0021]).

Yaur does not teach the following feature which is taught by Boyer (Figures 8A-8C and Col. 15, Ln. 19-34);

an interface processor for receiving user identification and authorization information for identifying authorization of said user to access the healthcare encounter information of said user.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the teachings of Yaur with this aforementioned from Boyer with the motivation of having a means of enhancing security to the system.

Yaur does not teach the following feature which is taught by Fitzgerald(Section [0027]):

at least one of, (a) automatically initiating payment for said healthcare service of said at least one healthcare encounter indicated by the encounter history information in response to predetermined payment instruction entered by a user, and (b) terminating an automatically initiated payment for said healthcare service of said at least one healthcare encounter in response to user command.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Yaur with these aforementioned teachings from Fitzgerald with the motivation of providing a convenient and efficient means of paying a healthcare provider.

(B) As per claim 19, in the combined teachings of Yaur in view of Boyer the data processor initiates retrieving said healthcare encounter information in response to at least one of, (a)a received request for download of said healthcare encounter information of said user, and (b)

predetermined computerized instruction to establish repetitive intermittent download of said healthcare encounter information to said user destination address (Yaur: Section [0020]).

(C) As per claim 20, in the combined teachings of Yaur in view of Fitzgerald in view of Boyer the system of claim 17 is provided as a service to a subscriber and including a subscription processor for managing subscription of at least one of, (a) an individual user, and (b) a healthcare organization, to provide said service (Yaur: Figure 1 and Section [0017])

(D) As per claim 21, the combined teachings of Yaur in view of Boyer teach a system according to claim 18, wherein said received healthcare encounter information comprises at least one of, (a) an identification of a service provided during an encounter, (b) an identification of a type of patient visit comprising an encounter, (c) a date of an encounter, (d) at least a portion of financial cost of an encounter due to be paid by said individual user, (e) a financial cost of an encounter, (f) an identification of an insurance company responsible for at least a portion of a financial cost of an encounter, (g) identification of a payment made by a user or insurance company towards cost of an encounter, and (h) an estimated reimbursement amount towards cost of an encounter (Yaur: Figure 4 and Sections [0017]-[0019] and Section [0021]).

(E) As per claim 22, in the combined teachings of Yaur in view of Boyer the healthcare provider organization comprises at least one of, (a) one or more hospitals, (b) a grouping of one or more physicians, (c) a clinic, (d) a nursing home, (e) an extended care facility, (f) a home

healthcare agency, (g) a pharmacy, (h) a test laboratory, (i) a healthcare enterprise, (j) a fitness center, (k) a rehabilitation center and (l) a diagnostic testing facility (Yaur: Section [0017]).

(F) As per claim 24, in Yaur the formatted healthcare encounter information includes encounter identification codes for identifying at least one of, (a) a particular service, and (b) a particular procedure with an encounter (Yaur: Section [0018]).

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaur in view of Boyer in view of Fitzgerald and in even further view of US Patent Application Publication 2002/0161641 to Quinlan.

(G) As per claim 27, Yaur teaches

retrieving said healthcare encounter information of said identified user from storage and including data identifying a healthcare service of said healthcare encounter (Yaur: Figures 1, 2 and 4 and Sections [0015]-[0017]); formatting said retrieved healthcare encounter information and data identifying a healthcare service of said healthcare encounter of said user for communication to a user communication address (Yaur: Section [0021]);

and initiating communication of said formatted healthcare encounter information to said user communication address (Yaur: Section [0021]).

Yaur does not teach the following feature which is taught by Boyer (Figures 8A-8C and Col. 15, Ln. 19-34):

receiving user identification and authorization information;
identifying authorization of said user to access the healthcare encounter information of said user.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the teachings of Yaur with this aforementioned from Boyer with the motivation of having a means of enhancing security to the system.

Yaur does not teach the following feature which is taught by Fitzgerald(Section [0027]):

automatically initiating payment for said healthcare service of said at least one healthcare encounter indicated by the encounter history information in response to predetermined payment instruction entered by a user.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Yaur with these aforementioned teachings from Fitzgerald with the motivation of providing a convenient and efficient means of paying a healthcare provider.

Yaur does not teach the following feature which is taught by Quinlan (Section [0098]):
terminating a payment for said healthcare service of said at least one healthcare encounter in response to said user communication address.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified Yaur in view of Boyer in view of Fitzgerald with these teachings from Quinlan with the motivation of having a quick means of stopping payment, as taught in Quinlan (Section [0098]).

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaur in view of Boyer, as applied to Claim 1, above, and in even further view of Official Notice.

(A) As per claim 23, the combined teachings of Yaur in view of Boyer do not teach that the interface processor receives notice of a payment related to an encounter performed by at least one of, (a) electronic funds transfer, (b) credit card, (c) a manual payment method and (d) an automatically initiated payment made in response to predetermined payment instruction entered by a user, however, the Office takes Official Notice that this feature is well known in the field of payment systems and financial transactions. At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of Yaur in view of Boyer with the above aforementioned teachings with the motivation of having a means of notifying a payor that their payment had been received by the payee.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaur in view of Boyer, as applied to Claim 1, above, and in even further view of Official Notice.

(A) As per claim 25, the combined teachings of Yaur in view of Boyer does not teach that the formatted health care encounter information includes a map for use in translating an identified identification code to a different code, however, the Office takes Official Notice that this feature is well known in the field of medical billing. At the time of the invention, it would have been

obvious for one of ordinary skill in the art to have modified the combined teachings of Yaur in view of Boyer with the above aforementioned teachings with the motivation of having a quick and easy means of allowing an operator of the healthcare financial management system to translate one code to different code in order to facilitate timely generation of reports and other outputs.

Response to Arguments

11. Applicant's arguments filed on March 6, 2009 have been fully considered but they are not persuasive. Applicants' arguments will be addressed in sequential order as they were presented in the "Remarks" filed on March 6, 2009.

(1) With regard to the 35 U.S.C. 101 rejections of Claims 26-27 the amendment made to the claims on March 6, 2009 did not overcome these rejections because the data processing device is not recited in the body of the claims. Therefore, the Office recommends amending these claims so that the data processing device is recited in the body of the claim for these claims.

(2) The 35 U.S.C. 112, second paragraph, rejection set forth in the last Office Action has been overcome by the amendment filed on March 6, 2009.

(3) The prior art rejections set forth in the Remarks section filed on March 6, 2009 are moot in view of the new grounds of rejections over the Fitzgerald and Quinlan patent references.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

14. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jerry O'Connor, can be reached at (571) 272-6787. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

15. Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

/Vivek D Koppikar/
Examiner, Art Unit 3686
4/13/2009

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686